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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,637	08/31/2001	Tahir Rashid	S1022/8742	9234

23628 7590 10/21/2003

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EXAMINER

NGUYEN, LINH V

ART UNIT PAPER NUMBER

2819

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,637

Applicant(s)

RASHID, TAHIR

Examiner

Linh V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to applicant's amendment received on 8/7/02.

Claims 1 and 10 have been amended. Claims 11 – 31 have been added. Claims 1 – 31 are pending on this application.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 31, are rejected under 35 U.S.C. 102(b) as being anticipated by Rizzo U.S. Patent No. 5, 508,664.

Regarding to claims 1, and 10, Fig. 3 of Rizzo disclose an Oscillator circuitry comprising: a capacitor (70); capacitor charging means (72) arranged to supply a current to charge the capacitor to a first predetermined threshold voltage (V ref High); capacitor discharging means (74) arranged to discharge the capacitor to a second predetermined threshold voltage (60); and switching means (84, 86) arranged to switch between a capacitor discharging mode and a capacitor charging mode responsive to reaching at least one of said threshold voltages (54, 56), wherein the at least one threshold voltage is determined by a threshold setting means (62) which provides a

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voltage threshold which varies to compensate for changes in temperature by varying a voltage difference between said first predetermined threshold voltage and said second predetermined threshold voltage (Col. 5 lines 15 - 19).

Regarding to claim 2, wherein the threshold setting means comprises a current source (72, 74) and a resistive (108, 109, 106), which varies in resistance in dependence upon temperature.

Regarding to claim 3, wherein the switching means comprises a comparator (52) arranged to monitor voltage across the capacitor and to trigger a change between the discharging and charging modes.

Regarding to claim 4, wherein the comparator is connected to a first control transistor (Fig. 4, and Fig. 5), which sets the first and second predetermined threshold voltages of the capacitor.

Regarding to claim 5, wherein the first control transistor is arranged to selectively by-pass an element of a resistive chain (Figs. 4, 5).

Regarding to claim 6, wherein the comparator is connected to a second control transistor (Fig. 4, [104]), which controls current flow to facilitate charging and discharging of the capacitor means (Fig. 4 and Fig. 5).

Regarding to claim 7, wherein the resistive means comprises one or more diode-connected transistors (Fig. 5 (304, 308)).

Regarding to claim 8, wherein the capacitor charging means comprises a current source (72, 74).

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Regarding to claim 9, wherein the capacitor discharging means comprises a current source (72, 74).

Regarding to claim 11, wherein only said first predetermined threshold voltage varies with temperature (60).

Regarding to claim 12, wherein only said first predetermined threshold voltage varies with temperature (60).

Regarding to claim 13, wherein the charge and discharge frequency of capacitor is independent of temperature (Fig. 4 and Fig. 5).

Regarding to claim 14, wherein a comparator output frequency is independent of temperature (Col. 4 lines 47 – 56).

Regarding to claim 15, wherein the threshold setting means comprises a current source and a resistive means, which varies in resistance in dependence upon temperature (Fig. 3, 4 and 5).

Regarding to claim 16, wherein the switch comprises a comparator arranged to monitor voltage across the capacitor and to trigger a change between the discharging and charging modes (Fig. 3, 4 and 5).

Regarding to claim 17, wherein the comparator is connected to a first control transistor, which sets the first and second predetermined threshold voltages of the capacitor (Fig. 4 and 5).

Regarding to claims 18 – 31, of Rizzo as applied to claims 1 – 17 above, disclosed every aspect of applicant's claimed invention.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (703) 305-1934. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Tokar can be reached at (703) 305-3493. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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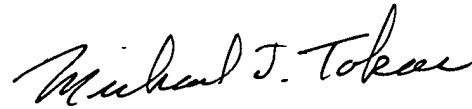
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308-7722 for regular communications and (703) 308-7722 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LVN

October 9, 2003

A handwritten signature in black ink, reading "Michael J. Tokar". The signature is written in a cursive, flowing style.

Michael Tokar  
Supervisory Patent Examiner  
Technology Center 2800